

1 AN ACT in relation to alcoholic liquor.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Liquor Control Act of 1934 is amended by  
5 changing Section 6-11 as follows:

6 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

7 Sec. 6-11. No license shall be issued for the sale at  
8 retail of any alcoholic liquor within 100 feet of any church,  
9 school other than an institution of higher learning,  
10 hospital, home for aged or indigent persons or for veterans,  
11 their spouses or children or any military or naval station,  
12 provided, that this prohibition shall not apply to hotels  
13 offering restaurant service, regularly organized clubs, or to  
14 restaurants, food shops or other places where sale of  
15 alcoholic liquors is not the principal business carried on if  
16 the place of business so exempted is not located in a  
17 municipality of more than 500,000 persons, unless required by  
18 local ordinance; nor to the renewal of a license for the sale  
19 at retail of alcoholic liquor on premises within 100 feet of  
20 any church or school where the church or school has been  
21 established within such 100 feet since the issuance of the  
22 original license. In the case of a church, the distance of  
23 100 feet shall be measured to the nearest part of any  
24 building used for worship services or educational programs  
25 and not to property boundaries.

26 Nothing in this Section shall prohibit the issuance of a  
27 retail license authorizing the sale of alcoholic liquor to a  
28 restaurant, the primary business of which is the sale of  
29 goods baked on the premises if (i) the restaurant is newly  
30 constructed and located on a lot of not less than 10,000  
31 square feet, (ii) the restaurant costs at least \$1,000,000 to

1 construct, (iii) the licensee is the titleholder to the  
2 premises and resides on the premises, and (iv) the  
3 construction of the restaurant is completed within 18 months  
4 of the effective date of this amendatory Act of 1998.

5 Nothing in this Section shall prohibit the issuance of a  
6 retail license authorizing the sale of alcoholic liquor  
7 incidental to a restaurant if (1) the primary business of the  
8 restaurant consists of the sale of food where the sale of  
9 liquor is incidental to the sale of food and the applicant is  
10 a completely new owner of the restaurant, (2) the immediately  
11 prior owner or operator of the premises where the restaurant  
12 is located operated the premises as a restaurant and held a  
13 valid retail license authorizing the sale of alcoholic liquor  
14 at the restaurant for at least part of the 24 months before  
15 the change of ownership, and (3) the restaurant is located 70  
16 75 or more feet from a school.

17 In the interest of further developing Illinois' economy  
18 in the area of commerce, tourism, convention, and banquet  
19 business, nothing in this Section shall prohibit issuance of  
20 a retail license authorizing the sale of alcoholic beverages  
21 to a restaurant, banquet facility, grocery store, or hotel  
22 having not fewer than 150 guest room accommodations located  
23 in a municipality of more than 500,000 persons,  
24 notwithstanding the proximity of such hotel, restaurant,  
25 banquet facility, or grocery store to any church or school,  
26 if the licensed premises described on the license are located  
27 within an enclosed mall or building of a height of at least 6  
28 stories, or 60 feet in the case of a building that has been  
29 registered as a national landmark, or in a grocery store  
30 having a minimum of 56,010 square feet of floor space in a  
31 single story building in an open mall of at least 3.96 acres  
32 that is adjacent to a public school that opened as a boys  
33 technical high school in 1934, and in each of these cases if  
34 the sale of alcoholic liquors is not the principal business

1 carried on by the licensee.

2 For purposes of this Section, a "banquet facility" is any  
3 part of a building that caters to private parties and where  
4 the sale of alcoholic liquors is not the principal business.

5 Nothing in this Section shall prohibit the issuance of a  
6 license to a church or private school to sell at retail  
7 alcoholic liquor if any such sales are limited to periods  
8 when groups are assembled on the premises solely for the  
9 promotion of some common object other than the sale or  
10 consumption of alcoholic liquors.

11 Nothing in this Section shall prohibit a church or church  
12 affiliated school located in a municipality with 75,000 or  
13 more inhabitants from locating within 100 feet of a property  
14 for which there is a preexisting license to sell alcoholic  
15 liquor at retail. In these instances, the local zoning  
16 authority may, by ordinance adopted simultaneously with the  
17 granting of an initial special use zoning permit for the  
18 church or church affiliated school, provide that the 100-foot  
19 restriction in this Section shall not apply to that church or  
20 church affiliated school and future retail liquor licenses.

21 (Source: P.A. 90-617, eff. 7-10-98; 90-655, eff. 7-30-98;  
22 91-357, eff. 7-29-99; 91-623, eff. 1-1-00.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.